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**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ARTEMIO HUMBERTO MERIDA
LOPEZ,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-76090

Agency No. A71-595-031

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted February 13, 2006^{**}

Before: FERNANDEZ, RYMER, and BYBEE, Circuit Judges.

Artemio Humberto Merida Lopez, a native and citizen of Guatemala,
petitions pro se for review of the Board of Immigration Appeals' decision
dismissing his appeal of an immigration judge's order denying his application for

^{*} This disposition is not appropriate for publication and may not be
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

special rule cancellation under the Nicaraguan Adjustment and Central American Relief Act of 1997. We dismiss the petition for review.

The agency concluded that petitioner was ineligible to apply for special rule cancellation. *See* Illegal Immigration Reform and Immigrant Responsibility Act of 1996, § 309(c)(5)(C)(i), Pub. L. No. 104-208, 110 Stat. 3009 (1996), as amended by the Nicaraguan Adjustment and Central American Relief Act of 1997, § 203(2)(b), Pub. L. 105-100, 111 Stat. 2160 (1997) (found at 8 U.S.C. § 1101 note). We lack jurisdiction to consider this determination. *See id.* at § 309(c)(5)(C)(ii) (“A determination by the Attorney General as to whether an alien satisfies the requirements of clause (i) is final and shall not be subject to review by any court.”).

The voluntary departure period was stayed, and that stay will expire upon issuance of the mandate. *See Desta v. Ashcroft*, 365 F.3d 741, 750 (9th Cir. 2004).

PETITION FOR REVIEW DISMISSED